

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, October 1, 2002

Chair Mathewson called the meeting to order at 7:01 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Mathewson, Wiecha, Torre, Gibson, Feierbach, Frautschi

Absent, Commissioners: Parsons

Present, Staff: Community Development Director Ewing (CDD), Associate Planner Swan (AP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

2. AGENDA STUDY SESSION: NONE

3. AGENDA AMENDMENTS: Minutes of August 20, 2002 will be reviewed at the next meeting.

4. COMMUNITY FORUM (Public Comments): NONE

5. CONSENT CALENDAR:

A. Minutes of 8/20/02 – postponed to next meeting.

6. PUBLIC HEARINGS:

A. 1144 VILLAGE DRIVE

To consider a Conditional Use Permit for a 928-square-foot addition to an existing 2,040-square-foot town home located within the Village Town Home Planned Development.

(Appl. No. PA2002-0033)

APN: 045-521-020; Zoned: PD (Planned Development)

CEQA Status: Exempt per Section 15301(e)(2)

Brian Howell (Applicant/ Owner)

AP Swan summarized the staff report, recommending approval of the Resolution with the attached Conditions of Approval.

Commissioners questioned staff and counsel regarding the contents and intent of the original (1980) staff report for the Planned Development, how it applies to this application, and the relevance of significantly increasing the overall square footage and FAR of the development. Staff's responses are summarized as follows:

The original staff report was for the creation of 11 properties – 10 units and common space.

The total square footage was 35,000 sq.ft., the gross density being 12.3 units per acre.

Total floor area of the proposed residential structures was 14,280 sq.ft. with a FAR of .40.

The proposed residential buildings ranged in size from 1,800 sq.ft. to 2,430 sq.ft., with 8 units having 2 bedrooms/2 baths and 2 units having 3 bedrooms/2-1/2 baths.

The density doesn't change; the density of units per acre will be the same with this project. The total square footage increases but density is measured in units per acre. What is changing is square footage per acre. Square footage is not relevant because these are now individual lots that, although there is a common homeowners association, can be treated as individual projects within a single planned development. Staff was not sure that whether we're adding 900 square feet to 2,000 square feet or adding 900 square feet to 32,000 square feet is relevant.

Each lot is a different size and each lot is subject to a 1.4 FAR. The R4 zoning district does not apply; the PUD conditions of approval apply, but the FAR that you can look at on each project will be different from one unit to the next because the underlying lot sizes are quite different.

Just because this particular project is a larger lot does not mean that other property owners in the PUD could make the same argument for a nearly 50% increase in square footage. Any such requests would be subject to Commission review and could be denied. Since they are dealing with 10 individual lots separately, it is inappropriate to take 900 sq.ft. for this project and extend it to 900 sq.ft. on all units.

CDD Ewing does not believe it is setting a precedent because it would not necessarily mean 900 sq.ft. for everybody.

The underlying regulation is the zoning ordinance, which says that the development standards for a PD that is modified are based on what are approved with the PD. Staff believes that the recordation of a map that creates ten individual lots is more controlling than the overall development when there was no map and no open space established.

CA Savaree stated that in this case what you have is a "hybrid" – you don't really have the project that was initially approved but she would look at what were the conditions on the original PUD. CDD Ewing stated that, unfortunately, they were not well established and we have a set of plans that identify the overall site and in the individual unit sizes. He believes those are controlling – what is being modified is the individual unit size for one of those lots.

The 1980 staff report was not included because it is vague and does not give specific dimensions and expectations in development potential. The ten units were developed as individual lots with modified setbacks and heights with a lot of variation, so this application was presented as a single project.

Discussing compatibility of the use for the CUP to other land uses in the general neighborhood, CDD Ewing stated that finding a) does not refer to intensity – it says, "the proposed use is compatible." Finding b) asks if the "site is of sufficient size to accommodate the proposed use together with all yards, open spaces, walls and fences" but it still focuses on use, not how much of it. All four of the findings are about use, which could be read narrowly to be read single-family or more broadly to deal with the intensity, but that is not specifically found in the words.

Brian Howell, applicant/owner, addressed the Commission, emphasizing that the common area around his house is three times the size of the area that he owns, so that it is not a dense area; even after the addition is built his property will be one of the least dense houses on the block. Responding to Chair Mathewson's question as to why he started digging without a permit, Mr. Howell stated that he started digging 1-1/2 years ago, when he first bought the property. He said he had discussed with a staff member the fact that he wasn't sure the project was even possible because the soil is very hard and sloped. He apologized for getting carried away but he did not intend to. He was mainly trying to determine if he wanted to invest more in this project. He stated that he did tell City Hall that he needed to remove some dirt to determine if the project would be possible, and acquired a professional soils analysis report. He confirmed that he removed 80 cubic yards of soil, and stated that the footprint is not going to change at all because everything under the house

was wasted dirt. He felt that they didn't bother to remove it when they built the house because it is very hard soil to get through and probably wasn't worth it at the time. He had talked to some construction people and asked them about loads and was told it is completely stable.

Chair Mathewson opened the Public Hearing.

Jodie Murphy, President of the Tudor Village Homeowners Association, stated that whatever approval staff or the applicant has from her was not given on behalf of the Board. The Board still has to approve the project as it stands and wanted to hear everything and understand the plans before approving it. She informed the owner that his HOA dues will increase because they are based on the square footage. The Board is concerned about the soil removal effect on the adjacent unit at 1142. CDD Ewing stated that the soils report typically focuses on the structure itself and the applicant is responsible for making sure that there is no harm done to surrounding properties. Ms Murphy stated that, as long as there are reports on that and everything looks great, they are ok with that. She also expressed concern about the expansion of the other units. If each unit owner wanted to do the same type of excavation, she could see that there would be definite concerns from the community and from the homeowners. She confirmed that, based on the CC&Rs, the applicant requires Board approval prior to proceeding with any modifications to the unit. She added that the main concern about other units wanting to do the same thing is that some units have the ability to do this and other units do not. She confirmed with the Board Treasurer that Mr. Howell did not get permission from your HOA before he started digging in his basement.

Amy Gettle, 1158 Village Drive and Board Treasurer of the Tudor Village HOA, stated that she is concerned about 1) the effect of the soil removal on the foundation of 1142 Village Drive, which is attached to the subject unit, 2) what the impact would be on the hill if everybody started digging, and 3) the effect on the common area. She is concerned that this new bedroom might impact the common area somehow. She asked if he is constructing an extra room, where the 928 sq.ft. is going – i.e., is he digging out under the common area? AP Swan confirmed that it is totally within the footprint under the existing house.

Mr. Howell responded that when he bought the house, someone had already done a rather poor excavation of the soil 1142. He believes with his new project the foundation of 1142 will be stronger, not weaker, because right now the house rests on rock and the foundation only goes down part way. The only thing he will need to do that is outside of the footprint is put in the window wells in the back since that is below ground.

Responding to C Feierbach's question, Mr. Howell stated that RDS Construction removed and legally dumped the soil.

MOTION: By Commissioner Wiecha, seconded by Commissioner Torre, to close the public hearing. Motion passed.

C Feierbach confirmed with CDD Ewing that a grading permit is required in all cases where trenching, boring or other excavations is part of the geologic or geotechnical investigations required by the City. C Feierbach asked if this can be recompacted safely in the event this project is not approved by the Commission. CDD Ewing responded that any change once the grading occurs is going to be different and if the project does not go forward we would still follow up on the fact that illegal grading occurred and make sure that the Director of Public Works was satisfied with the finished result. He added that the Commission would not require a grading permit because it did not reach the 500 cu yards.

C Frautschi asked if there is anything on record about soil removal at the next door neighbor's house. CDD Ewing responded that, since this was the first they had heard about it, staff would have to check the files.

Commissioners commented as follows:

C Torre: Felt they were given inadequate and not fully proper information to make a decision. Would like to see it continued with another report provided that considers additional information and the 1980 past staff report. She quoted from the PD District in the Zoning Ordinance, under 12.5.a.5, Detailed Development Plan Required, where it says that the Detailed Development Plan shall include (among other things) "the detailed tabulation of the resultant density in a person's dwelling, units floor area ratios and height of structures." She asked for insight from counsel but it seemed to her that in the instance where you seem not to have

document specific rules about, for example FAR, what you have to fall back on is that which was approved was what was allowed and not an iota more. CDD Ewing responded that they did approach this differently than what she described because they treated this lot as having its own development standards on the PD, which are listed on the chart on page 2, because those front, side and rear setbacks and heights are going to be different from one lot to the next. He agreed that those are the development standards and not one iota more, unless amended by a Conditional Use Permit that everyone has the right to apply for. The "one iota more" is written in pencil so that an applicant can request that you erase and rewrite it and that's why we're here today. Staff decided to look at this on a lot-by-lot basis because each lot is now separately owned, tied together by ownership of a common lot, CC&Rs and a PD. He added that if its an apartment building or if there are air space rights where the subdivision is not of the land but of the air rights you've got a different sort of ownership and commonality.

C Gibson agreed with C Torre. He would like more information, even if it is inadequate. Even though there are individual lots, he did not think they could ignore the whole picture because of the legal and the physical ties. He added that he may have to approve the application but he did not like it because he did not like the message that it sends to the community, which is in effect that it's ok to do illegal things and the worst thing that's going to happen to you is you get a delay when you apply for your permit and on you go.

C Feierbach asked staff to determine if this was part of the Growth Control Ordinance in 1978 where there was a contest and this was one of the winners of the contest. She was prepared to vote "no" on this item because she felt it would adversely affect other property in the vicinity and the general welfare of the City.

C Frautschi agreed with the Commissioners Torre, Gibson and Feierbach. He was prepared to "put the knife in the body" of this project without any more information. He could not find for finding d) and was having a problem with finding a). He believes he is hearing from the other people who live in the community that they have a lot of concerns about the project. In addition, he felt it was a sad example of how to redo a basement, and was worried about the stability of the whole hill. He felt that the developers, for whatever reason, were restricted to ten units and that they could not build any more than that – that was the original intent.

C Wiecha's stated that her last desire was to deny anybody the full enjoyment of their property, however, since this is a Planned Unit Development her primary consideration was that the project was originally approved for a certain intensity of use and size of units for the whole property, and she could see no overriding consideration as to why those entitlements should be increased, enhanced or revised at this point. With respect to the issues of slope stability and other concerns, there are ways to engineer solutions to those types of issues and concerns. Her primary concern is the proposal for a nearly 50% increase in the square footage of this particular unit and sees this as an opportunity for other units to come forward with additional proposals to increase the overall square footage. She did not think that was the intent 20 years ago and is certainly not the intent, in her mind, today. She, therefore, agreed with the proposal to deny the project today.

MOTION: To re-open the public hearing, at the applicant's request to speak, by Commissioner Gibson, seconded by C Torre. Motion passed.

Mr. Howell stated that he did not propose to do this just to get the increase, he just wanted a simple rec room, but if the Commission is interested in keeping stability there there's not going to be too many people who are going to want to just go in and build those walls to a full retaining wall if they're not going to be able to get anything out of it. He agreed that if it is too many square feet he'd have to live with just the rec room. He added that he would have to leave the community without this addition, because he would not have enough room for his family and is having trouble financially. He would not be able to get the stability of the house fixed up because he cannot get any use out of it.

MOTION: By C Gibson, seconded by C Wiecha, to close the public hearing. Motion passed.

Chair Mathewson stated that he sympathized with the applicant's problems but agreed with the other Commissioners about the PD zone and the potential for the rest of that development increasing in size dramatically, and he could not make finding d) of the Conditional Use Permit.

CDD Ewing noted that some of the questions raised as a basis for denial seemed to depend on a larger project issue, which, as he had indicated, staff did not identify and analyze. If the basis for denial is the idea that the project as an 11-lot project would be adversely affected, we are ready to provide you with the information you need to render that decision. He recommended that, if the issue is that this overall PD shouldn't be amended based on this project, he asked that the Commission continue the item so staff could provide more information on the overall scope of the 11-lot project. He and the City Attorney were concerned that they hadn't heard adequate information from the Commission for the findings for an adequate record of denial.

CA Savaree added that CDD Ewing had articulated their concerns that the Commission didn't have all the information needed if they are looking at the overall project. She was also concerned that, if indeed it's finding d) that can't be made because of concerns about grading and stability, she suggested that the item be continued so that staff can provide information which will allow the Commission to have a professional opinion about stability in light of the grading.

C Feierbach added that on d), it isn't just the soil stability but it's a larger house and therefore it can adversely affect other properties, since it will be larger proportionally.

MOTION: By C Wiecha, seconded by C Feierbach, to continue the item to a date certain, October 15, 2002, for any additional information from staff.

Ayes: Wiecha, Mathewson, Frautschi. Feierbach, Gibson, Torre

Noes: None

Absent: Parsons

Motion passed 6/0/1

C Torre asked staff to seek specific information related to the original conditions of approval of the PD district as a whole, and if staff continues to believe after that analysis that there is other information we should consider as to why those overall conditions are not the appropriate items on which to make a decision, they should explain that more fully.

B. 2215 EWELL ROAD

To consider a Single-Family Design Review for an addition of 1,426 square feet to an existing 2,021 square-foot single-family residence for a total of 3,447 square feet in a zoning district that permits 3,500 square feet. (Appl. No. PA2002-0020)

APN: 044-272-170; Zoned: R1-B (Single-Family Residential)

CEQA Status: Exempt per Section 15301(e)(2)

Christopher Miller (Applicant/ Owner)

AP Swan summarized the staff report, recommending approval of the Resolution with attached Conditions of Approval.

C Frautschi asked staff to summarize the difference between the City's Arborist Report and the Mayne Tree Expert Company's report. AP Swan responded that the difference is the distance from the base of the tree for the protective fencing. The City's arborist recommends protective fencing at the most outreach parameter of the root dripline (15') in order to be most protective of the trees. The second opinion recommends a smaller perimeter for the fence (8') in order to better utilize protective measures, for example, compaction of soil, in order to protect the tree but also to allow more area for construction of the addition.

Julie Miller, applicant of 2215 Ewell Road, asked for the Commission's consideration of the alternative proposal for the protection of tree number 2 on the report, and stressed that it has always been their intent to save both of the trees. She added that if the 15' fence were to be installed it would restrict access to the back yard for the construction equipment. They plan to place a mulch layer over the roots of the tree which would reduce the risk of compaction and they would have their arborist come in to examine the trees during construction, and subsequent to construction they would test for compaction and improve as necessary.

Kevin Kielty, Mayne Tree Expert Company located at 535 Bragato Road in San Carlos, added that one of the important factors in this project was the need to get into the site for excavation of the foundation. He stated that he did not foresee any damage to either tree from driving fairly light-duty equipment, for example, a bobcat tractor, outside the drip line but in an area where the City's arborist had wanted the protective fencing. He had had no dialogue with the City's arborist. He stated his belief that there would be no damage to any equipment on that edge, nor due to the excavation that has to be done under tree #1, and that root loss there would be less than 10%. He added that the trees are currently not irrigated but that as the project proceeds they plan to inspect any cutting and try to gauge what kind of compaction has been added by equipment. Generally they do a lot of fertilizing on these projects by bringing in spray trucks that hold 400 gallons and add water to the root zone under pressure. In the report the arborist recommended addition of mulch through the root zone because, not only is the soil very dry, it lacks humus. Obviously, nothing has happened in this yard for years and all that will be an improvement on the trees' vitality.

CDD Ewing mentioned that, since Mr. Levinson has been out of town for about a month, staff brought this to the Commission as two different perspectives rather than making some attempt to reconcile them. Mr. Levinson is due to return in about one week.

C Torre asked the applicant whether there is a cost issue associated with working around the 15' fencing or whether it is a fatal flaw so that the project simply couldn't be done. Christopher Miller, applicant, responded that the 15' radius would make it next to impossible to maneuver equipment or material into the area of construction. He added that the removal of soil and excavating for the foundation for the rear area would all have to be done by hand, which he estimated would increase the cost just for the excavation part of the project by roughly 15%. In addition there would be the problem of materials, which would have to come down that side, where there is approximately 12' between the house and the fence. with only 5' on the other side.

Responding to C Mathewson's question, Mr. Miller stated that they are absolutely planning to landscape and irrigate the area when the project is complete. One of the reasons the yard is unfinished is due to this impending project.

C Feierbach asked if a compromise between the 15' and 8' could be reached. Mr. Miller responded that they would have to readdress that to see if it is a possibility.

Chair Mathewson opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Wiecha, seconded by Commissioner Torre, to close the public hearing. Motion passed.

C Frautschi asked which arborist's report staff is recommending. CDD Ewing replied that they go with the staff recommendation, which is from the City arborist, but added that they did not have an opportunity to have him reconsider given the concerns raised by the applicant.

C Torre asked if there is an opportunity to approve the project with the condition that would allow the arborists to get together to see if they can reach a compromise of some type. CDD Ewing responded that they could add a clause to the conditions that says "unless modified by the City arborist", and then the applicant could work with the City arborist to see if there is some alternative that he would support. C Torre added that the tree ordinance was intended to preserve and save trees but not actually at the expense of not allowing people to go forward with a project, so had they designed this project and it took out the tree the Commission would have approved a tree removal permit. Without knowing how great the cost impact is, she did not see the grounds for the Commission making it a softer provision. She also pointed out that since the arborist had recommended initially 15' drawing back to 7', and she expected that it would get worked out.

C Wiecha stated that she was afraid that the appraised value of the two trees in question might exceed the cost impact to the project if the currently required mitigations are followed to the letter of the law. She would be pleased with some form of fencing that appropriately protects the trees, and the irrigation during construction that is recommended, and she would concur with C Torre's recommendation to allow a further discussion of the specific tree mitigation between the various experts on the subject.

C Gibson agreed that it should be approved as it stands and allow the City arborist to modify it as he sees fit.

CDD Ewing suggested adding "except as modified by the City Arborist and the Community Development Director." at the end Planning Division Condition 4.

MOTION: By Commissioner Gibson, seconded by Commissioner Frautschi, to adopt the resolution approving a single-family Design Review at 2215 Ewell Road, subject to the Conditions in Exhibit A, with the addition at the end of Planning Division Condition 4, after "and the associated tree map" the words "except as modified by the City Arborist and the Community Development Director."

Ayes: Gibson, Frautschi, Feierbach, Torre, Wiecha, Mathewson

Noes: None

Absent: Parsons

Motion passed 6/0/1.

Chair Mathewson added that, since the condition suggests that the trees should have been watered as of: a month and a half ago, the applicant might want to start irrigation without delay.

C Mathewson noted that the item may be appealed to the City Council within ten days.

Chair Matheson called for a recess at 8:35 p.m. Meeting resumed at 8:50 p.m.

8. OLD BUSINESS

A. Zoning Ordinance - Design Review/Study Session

CDD Ewing presented the staff report, noting that the goal for the evening is for the Commission to come to a consensus that this is a process they are willing to follow as a model, and then know that they have control over the outcome from this basic beginning point. He answered questions from the Commission as follows:

A short-term ad hoc committee could be formed to prepare a draft. This committee would not be required to comply with the Brown Act.

The only portions of Section 13, Design Review, that apply to single-family homes are the items related to 2/26/99.

Efficiencies from consolidating design review, grading, tree removal and FAR would come from the fact that staff and the Commission would not have to look at the same finding over and over again, and the applicant would have reduced application fees.

It could be used as a "floor plan" for an Architectural Review Board, or the Planning Commission could have the authority over design as just one more finding to evaluate with another set of guidelines.

An Architectural Design Review Board could oversee an adopted style or architectural quality without specifying style.

Preserving a neighbor's privacy is a privacy issue, not an architectural issue. It could be used to come up with a better product. If you want to have Architectural Design Review and not dictate style, you are dictating quality standards, and applicants should be given background material that is very clear about what they are.

If there is going to be an Architectural Review Board, the ordinance must clearly state its authority and that of the Planning Commission. There must be a clear understanding that the Commission does not do things outside of its authority.

He didn't have an easy answer as to what cost would be added to a project. It's a function of what you adopt and how the community responds to it. The concept of adding an addition and getting an architect to deal with quality issues could be burdensome.

It would not work for the Commission to have a long list of design guidelines and then pick and choose which ones need to be met when a project is reviewed. He would be concerned about preparing a laundry list that the applicant can't rely on. They would be better off picking a few that are "universal" and say that they are going to be met every time. For example, authenticity to the chosen style of the home would become a criteria.

Regarding applicability of this process to remodels vs. new homes, he would prefer to see the Commission focus on the outcome rather than on how it got there, whether it's a remodel or a new house, especially if they're looking at issues of time and quality.

Chair Mathewson stated that the key focus for him is the elimination of the subjectivity that the Commission has occasionally gotten mired in. CDD Ewing responded that he feels that part of the subjectivity is due to the fact that the findings are not what you need them to be for the issues you want to look at. He feels they can move away from the issue of architectural design review and back to the larger issue of single-family compatibility and privacy and some of the other issues that are perhaps closer to what they've been doing more recently. He suggested that the Commission look at this new language and think about some of their recent projects, such as privacy or view protection on hillside areas. He asked them to bring back to the next meeting issues that they each struggle with and build that into the new single-family ordinance.

C Feierbach: So what you're looking for is an axiom set, essentially a set that people have to meet, not very many of them, that all of them have to be met instead of an axiom set as we have now, and if so maybe you could do this, this and this. There should be no maybes in what you're looking at.

CDD Ewing: Well, absolutes are always trouble to support – there should be no maybes. Maybes introduce subjectivity, there are some instances where you're going to use a maybe, but they introduce subjectivity, they introduce uncertainty, and it makes the applicant uncertain what he's facing you over and that creates more anxiety for everybody.

C Feierbach: So if you have an axiom set then each one of these has to be measurable, for example solar domain can be measured accurately – all of these then are measurable quantities?

CDD Ewing: No, if they were measurable quantities there wouldn't be a need for discretion and we could do it at staff level by just making sure all the measures are met. The discretion is the issue of compatibility – how do you measure that? That's one of the biggest issues that you deal with. Is that new developments are compatible with the surroundings? What does that mean? We talk about it, we've talked about it and we've looked at some concepts, compatible bulk, compatible colors and materials, compatible size relative to lot size, that's what floor area is about, that's a compatibility measure, if it's a big house on a big lot next to a small house on a small lot, FAR provides a form of compatibility. If all we cared about compatibility is floor area ratio we wouldn't need a Commission. Staff would just check floor area ratio. There is some inferable element of compatibility – the opportunity to hear what neighbor's concerns are, the opportunity among yourselves to take your cumulative experience and wisdom and say, you know, there's something not right about this, and Jean and I are making sure you're being more specific relative to the findings, so the findings become key.

CDD Ewing concluded by asking the Commissioners to take a look at the handouts he gave them – the summary of existing issues, his translation to a new code on the lavender pages, and the grading ordinance – as a place to begin thinking about where they would like single-family design review to go.

C Frautschi stated that he occasionally wonders why there is no landscape plan with projects that come before them. CDD Ewing stated that possibly they should be more overt about requiring them and C Frautschi should make it very plain if he would like to see that accommodated in the draft ordinance.

C Torre: I have some thoughts about process and I think the idea of consolidating into a single action has a lot of efficiencies, has the benefit of being even more understandable to people which I think we owe it to citizens to do that – what she would like to see is that we look at two categories separately. 1) is this whole process of you just take the findings we have and the purposes we have, how could that be consolidated meaningfully into an action that doesn't change anything in terms of adding new hurdles or changing the rules and that's what you've got here, and 2) then let us look separately at ok, as a group, "we can't make the changes anyway, we're just recommending to council" what findings or purposes should be changed. That way our recommendation to council would be clear to them what's new and why we're recommending what's new – its like an a and b, the reason I'm suggesting doing it that way is that if we go at it this way and then add in the things that we think ought to be there, additionally what's going to go to them is a mixed bag that involves a lot of changes and its harder to get your arms around.

CDD Ewing: I wouldn't take it to the Council that way if you adopted it that way because I would go to the Council with a staff report saying the Commission is recommending this and I would break out the new items that you've recommended even if you tried to bury them in the language. – then they'll see what's different. If you said we want to require landscape plans and they aren't required, I'd call that out so the Council would know what the differences are that your adding in, that's all.

C Torre: the reason I'm trying to go at it that way is I think you want to – it seems to me there are important thing to consider in terms of consolidation of City process and efficiency.

CDD Ewing: Council would agree with that.

C Torre: apart from change, so it might be that they would want to adopt a) the sort of consolidation efficiency approach and they might want to then look at b) the recommendations for changes – some of them – it keeps someone from thinking I'm going to vote against this whole thing because I think there's too much change in the standards, that's where I'm going – I think the presentation would help...

CDD Ewing: the problem that I... I agree with you in concept – we should mull over what's being continued and also know what's new but ultimately a single ordinance is adopted and from an administrative standpoint some of them do probably need to get mixed up together because once adopted they become all equal and all law and a single ordinance including new policies. In terms of the Council understanding what they're adopting, yes, we should say here's what's continued and here's what's new – we can do that at a staff report level. I think for your purposes each of you bring back the issues of where your are finding frustrations with your experiences with design review and just bring it to the table – don't worry about language, don't worry about where its going to fit in, just bring it back to the table and we'll talk among yourselves to see if there's support for your particular idea among four of you and then we'll go and write some language and bring back for you to look at as we build an ordinance.

CDD Ewing concluded that this item will be on the agenda for the next meeting, at which time they could talk about some of the issues among themselves, and then seeing some of their recent experiences on the bus tour might crystallize some of those items in their minds. He could then bring it back in November to move it further along.

C Torre stated that she will not be at the next meeting, C Gibson said that he will email his questions to staff, and C Wiecha wanted time to cogitate the material at home.

9. REPORTS, STUDIES, UPDATES AND COMMENTS

Responding to Chair Mathewson's question, CDD Ewing and CA Savaree confirmed that the Governor recently signed two bills that have the effect of eroding the power of local government.

C Frautschi commented to CDD Ewing that he felt the response he had received to a list he had sent to the Code Enforcement Officer had been inadequate. He had expected a site visit by the Officer and the problem still exists.

CDD Ewing reminded the Commission that a joint meeting between the Council and Planning Commission is scheduled for October 29th to discuss how to approach prioritizing the downtown General Plan. The Mayor had suggested an agenda-setting meeting with the Vice Mayor, Planning Commission Chair and Vice Chair for Monday October 7th at 2:00 p.m. Since VC Wiecha would not be available at that time, CDD Ewing will contact her by email to reschedule.

**10. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF OCTOBER 8, 2002.
Commissioner Feierbach will attend.**

11. ADJOURNMENT:

The meeting adjourned at 9:55 p.m. p.m. to a regular meeting on Tuesday, October 15, 2002 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.